

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

03/08/04 P 1:06

RICH REINISCH, Derivatively on Behalf of
BIOPURE CORPORATION,
Plaintiff,

v.

CASE NO. 04-10215-NG

THOMAS A. MOORE, CARL W. RAUSCH,
DAVID N. JUDELSON, CHARLES A.
SANDERS, M.D., C. EVERETT KOOP, M.D.,
DANIEL P. HARRINGTON and J. RICHARD
CROUT, M.D.,

-and-

Defendants,

BIOPURE CORPORATION, a Delaware
Corporation,

Nominal Defendant.)

**ASSENTED-TO MOTION TO EXTEND TIME TO
ANSWER, MOVE OR OTHERWISE RESPOND TO
PLAINTIFF'S CLASS ACTION COMPLAINT**

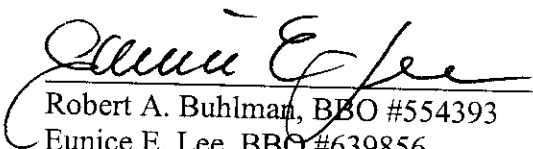
Defendants Thomas A. Moore, Carl W. Rausch, David N. Judelson, Charles A. Sanders, M.D., C. Everett Koop, M.D., Daniel P. Harrington, J. Richard Crout, M.D. and Nominal Defendant Biopure Corporation hereby move for an Order extending the time to answer, move or otherwise respond to Plaintiff's Derivative Action Complaint.

In support of their motion, Defendants state that Counsel for Plaintiff have assented to the extension of the deadline provided by the Fed. R. Civ. P. for response to the Derivative Action Complaint to and including April 15, 2004.

WHEREFORE, Defendants respectfully request that the Court enter an Order extending the time for Defendants to answer, move or otherwise respond to Plaintiff's Derivative Action Complaint up to and including April 15, 2004.

**THOMAS A. MOORE, CARL W. RAUSCH,
DAVID N. JUDELSON, CHARLES A.
SANDERS, M.D., C. EVERETT KOOP, M.D.,
DANIEL P. HARRINGTON, J. RICHARD
CROUT, M.D. AND BIOPURE
CORPORATION,**

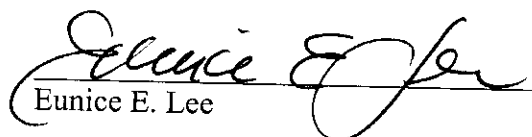
By their attorneys,


Robert A. Buhlman, BBO #554393
Eunice E. Lee, BBO #639856
BINGHAM McCUTCHEN LLP
150 Federal Street
Boston, MA 02110
(617) 951-8000

Dated: March 8, 2004

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served upon the attorney of record for each party by regular mail, on March 8, 2004.


Eunice E. Lee

BINGHAM McCUTCHEN

Eunice E. Lee
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March 8, 2004

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BY HAND

Civil Clerk's Office
United States District Court
for District of Massachusetts
1 Courthouse Way
Boston, MA 02210

Re: *Reinisch v. Biopure Corporation, et al., C.A. No. 04-10215-NG*

Dear Sir or Madam:

Enclosed for filing, please find an Assented-to Motion to Extend Time to Answer, Move, or Otherwise Respond to Plaintiff's Derivative Action Complaint on behalf of Defendants Thomas A. Moore, Carl W. Rausch, David N. Judelson, Charles A. Sanders, M.D., C. Everett Koop, M.D., Daniel P. Harrington, J. Richard Crout, M.D. and Nominal Defendant Biopure Corporation.

Kindly date-stamp the enclosed copy of the above document and return it in the self-addressed stamped envelope.

Thank you for your attention to this matter.

Very truly yours,


Eunice E. Lee

Enclosures

cc: Mary T. Sullivan, Esq.
(w/encl.)